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*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HSBC BANK PLC, et al.,

Defendants.

Adv. Pro. No. 09-01364 (SMB)

**DECLARATION OF OREN J. WARSHAVSKY IN OPPOSITION TO ALPHA PRIME  
FUND LTD.'S MOTION FOR JUDGMENT ON THE PLEADINGS  
AND IN SUPPORT OF THE TRUSTEE'S CROSS-MOTION FOR SEVERANCE  
AND FOR LEAVE TO AMEND THE COMPLAINT**

I, Oren J. Warshavsky, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner at Baker & Hostetler LLP, counsel for Plaintiff Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities under the Securities Investor Protection Act, 15 U.S.C. § 78aaa, et seq., and the chapter 7 estate of Bernard L. Madoff.

2. I submit this declaration in opposition to Alpha Prime Fund Ltd.’s Motion for Judgment on the Pleadings and in support of the Trustee’s Cross-Motion for Severance and for Leave to Amend the Complaint.

3. Attached hereto as **Exhibit A** is the Trustee’s proposed Second Amended Complaint for review by the Court, and as further discussed in the accompanying Memorandum of Law in Opposition to Alpha Prime Fund Ltd.’s Motion for Judgment on the Pleadings and in Support of the Trustee’s Cross-Motion for Severance and for Leave to Amend the Complaint.

4. Attached hereto as **Exhibit B** is a true and correct copy of a letter from Todd Duffy, Esq. to Geoffrey North, Esq. dated May 20, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 27<sup>th</sup> day of August 2019, at New York, New York.

/s/ Oren J. Warshavsky  
Oren J. Warshavsky